/166 cont./

592 but the decisions made must be made by the woman head of the house. Every married woman exercises independently her authority in her home without intereference from the female relatives of her group except when she asks for assistance in an attack from her husband. On the other hand, there is the authority of the man, who is in control of the staff and his nephews and other relatives. He is responsible for the execution of all male work, as much for his own personal duties as for the work force he has at his disposal for such a purpose. When he is absent his authority and responsibility are taken over by his eldest maternal nephew.

In case the father lives at home, that is, in the house of his first wife, it is he who makes arrangements, gives orders, carries out the organization of administrative life, the daily pasturing chores, and the periodic and occasional agricultural work done by /members of/ his sex. In his absence he may be replaced by his sons, in chronological order. As at the present time male emigration is so widespread and as in general the father is periodically absent on pasturing activities or on his visits to his other women (polygamy), the woman who has no responsible son may on her own account order work to be done, even if such work comes /167/ under the husband's jurisdiction. Once the boys are grown they begin to supplant the maternal uncle or the father in masculine work. Also, as they grow older and become adults, family authority gradually loses its power over them. The boy begins to make his will felt and to take the initiative, but he must be responsible for his actions, because Guajiro law establishes culpability extensible to the consanguineous relatives when any social or cultural rule has been violated. The boy, then, becomes gradually independent from direct family tutelage and is able to plan his life in accordance with the cultural norms of the society and within these to develop his own personality. He does not attain absolute independence. He breaks away from the family discipline represented in the person of his mother,

/179 cont./

683 kept below the surface for various reasons, suddenly shows itself at a given moment. That is to say, the cause is in short a family vendetta which may break out at any instant. Another of the causes can be an enmity originating in an illegal act committed by one group against another, such as the stealing of animals, /180/ the abduction of a woman without the corresponding payment, or suspicions or evidence of adultery. In addition one must consider those aggressive acts which occur on the spur of the moment, that is, aggression provoked in the majority of cases by alcoholic abuse.

683 One must also consider many aspects itself of spilling blood
672 which extend responsibility for this aggressive act to one or various persons who did not participate in it directly, but in a passive form. Thus we have the situation that the person guilty of a punishable action of this class is not only he who does it willfully, but also the individual who does it involuntarily, as illustrated in the following example. Two very intimate friends went out one day to hunt. They belonged to different family groups. They had hunted all afternoon and were returning to their homes when a chance of a shot presented itself. When the man carrying the gun tried to shoot, the gun went off unexpectedly and wounded his friend. The culprit, with his relatives, suffered all the consequences connected with breaking the law. No attenuating circumstances of any kind were considered -- neither the friendship nor the involuntary character of the act.

683 The owner of a firearm which causes injury or death brings punishment upon himself and upon his relatives. For this reason, the man who lends a weapon must suffer the consequences of its wrong use, whether voluntary or involuntary.

Injuries to oneself. Anyone who wounds himself must pay his relatives for having shed blood, their common bond to which he has no right.

When some person with an object owned by him injures another person. From among others we cite one case as an example. A rich Indian living in Nazaret got drunk one day.

/180 cont./

683 Already very intoxicated, he started off for home at nightfall, riding on a very frisky burro. For some reason the animal got frightened on the road, near a fence of sticks which protected a corn field belonging to a family different from his own. Because of the jumping of his mount and his own condition, the Indian fell off and scratched his face on the fence, and received in addition several wounds caused by the out-of-control animal. The injured Guajiro charged the owners of the fence with the responsibility of his having shed blood and to indemnify him for this involuntary spilling of his blood, the owners of the sown field were punished by the destruction of their fence, which meant that they lost their harvest. The owners, of a group inferior to that of the injured man, had to resign themselves to this punishment /181/ for fear of worse sanctions, without being able to appeal at all to their favor lack of guilt, since the fence, as their property which it was, had caused the loss of blood. They could be thankful, furthermore, that they were not forced to pay a much higher compensation payment which the injured Indian initially wanted to claim.

Also grouped together under this heading are injuries caused by an animal, whose responsibility is transferred to its owner, who must pay the indemnity due. We have the following case of this. A dog belonging to the convent at Nazaret bit a calf that was in the convent's sown field. After a time the calf died. The wounds received were then taken as the cause of death and payment was demanded for the animal on both counts /of injury and death/.

[622] When one Guajiro lends another any animal, he makes himself responsible, as in the case of firearms, for anything that may happen as a consequence of the loan. Thus, for example, if the loan of a beast of burden or a pack animal leads to the borrower's getting hurt, the owner of the animal must pay the damages incurred, because they say that if he had not lent the horse the incident would not have occurred, hence he is the cause of it.

/183 cont./

683 672 The responsibility for the delict in La Guajira is borne not only by he who gave the order but also by he who carries it out. Both are involved to an equal degree in the aggressive act. Furthermore, all the people accompanying an individual at the time this person breaks the legal system for stability and injures a /184/ family group are involved in his culpability. They tell of the case of a well-known putchi (1) between Jayariyúes and

1. War between two clan groups.

Pushainas, in which all the people accompanying the aggressor had to contribute to the payment because they found themselves involved by the very act of being present in a common complicity.

They consider as a transgressor, and therefore culpable, any individual who indirectly aids the aggressor in accomplishing his delict. It is not considered extenuating that the help was given without previous knowledge that the act was going to occur. We have already seen the case in which the culpability extended to the owners of a firearm, for example, or to those who were along. We must also classify in this totality people who collaborate in transporting the offender in a vehicle or on an animal to the site of the crime, even if they lack knowledge of the reason for such transport. That the crime took place is sufficient for them to be included as culpable.

When a Guajiro spreads slander, if it can be proved to be false, he is obliged to pay for the offense and for the damage he inflicted on the slandered person. This type of case is common among men in respect to the chastity of their women and is used as vengenace against the woman who has refused their amorous attentions or their desire for marriage. The payment demanded as indemnity covers the moral injuries caused, the material consequences, and the pain occasioned to the injured person and to her consanguineous relatives.

/192 cont./

682 when a shot hits a person during hunting, or when a shot is fired accidentally at the moment the owner or someone else is cleaning a gun and in this way kills another, etc. Included in these cases we must note one that occurs very frequently when a man lends a gun. If an accident occurs which results in the death of a third person, that is, a homicide, the owner of the gun must help the man who caused the accident to pay for the death. If it is used to commit suicide, again it is the owner of the gun who must pay. For this reason the material objects that a person uses for [682] killing himself are punished. As the general custom is to hang oneself, the beam and the rope are burned at such a time; and if the act was done inside a dwelling, it is also burned, although in this case for another reason connected now with magic. In summary, then, we can say that homicide is considered as such without any excuses for those who commit it, directly or indirectly.

* * *

682 762 Suicide brings punishment on the person who has provoked it, directly or indirectly. Very frequently young men commit suicide when their father, mother, or other relatives reprimand them or do not satisfy some whim. And girls do the same when they are sold in marriage by their uterine relatives without taking their wishes into account.

In this case those who gave cause for the suicide are held responsible. If it was the mother or some relative of hers, the father of the suicide demands compensation payment, or if the reverse -- if it was the father -- the mother with her relatives do the same. /193/

If a man should commit suicide because of unrequited love, when for example he asks to buy a girl and her relatives will not let him have her as his wife or she refuses his amorous attentions and in consequence he commits suicide, the claim for compensation payment for his death is made against the maternal relatives of the girl or against whoever refused to let him buy her.

[76 cont.]

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775 We can say that in La Guajira among the spirits of the dead there are categories determined by capacity to work evil. Spirits in general are indifferent as long as the established norms regarding their treatment are not violated, such as the fulfillment of the post-mortem ceremonial, avoidance of the use of [762] their names, etc. But when the spirit is that of a suicide, then his standing as an author of evil grows, as the fact of his having violated the established social order places him automatically at the margin of the community; he is a social outcast even in the world of the dead, and his spirit does not wander around as the others do but face downward and at ground level; for this reason he is considered an enemy of the community.

773 823 762 A Guajiro legend regarding Katétamána Hill relates that in remote times there was a majayura ("a young woman") who had sexual relations with her father and became pregnant. According to the legend, on finding herself in this condition, she was so ashamed that she wanted to wipe out her social sin by hanging herself, which she did. Mareiwa, the god of the Guajiro, told her that as punishment for her offense he would change her into a hill. For this reason, say the Indians, Katétamána Hill has the shape of a hanged woman. Ever since, concludes the story, Indians frequently hang themselves when any adverse event disturbs their lives.

762 775 As the legend transcribed above will indicate, an Indian commits suicide when he cannot carry out some act which is at variance with the established patterns of his family circle or of society in general. Since he cannot be punished for the violation when alive, he must pay the penalty after his death. It is his spirit which receives and feels the consequences of the social sin he has committed. For this reason the general belief to which we have already alluded exists that the spirit of the suicide always wanders face downward and at ground level in the regions of the dead. [77]

762 768 672 But if the punishment of the suicide cannot be inflicted on the individual himself while alive, it can, on the other hand, be

[77 cont.]
762 inflicted on the objects which were the principal active agents
768 in carrying out his fatal determination. As the form of suicide
672 that is practiced in La Guajira is almost exclusively that of
hanging, they proceed to burn the branch on which the individual hanged himself and the rope which he used, because, they say, these were the direct causes of his death.

With respect to the punishment carried out on the objects
682 (inanimate to us) which served for the carrying out of suicide,
672 several suggestions may be made. In one case, the "compensation payment for blood" may be recalled, the established customary law of this community by means of which whatever spilling of blood that may be caused in any person, voluntary or involuntary, directly or indirectly, has to be paid for in accord-
[698] ance with a valuation decreed by the so-called "arbitrators," or "palabras," who are nothing more than intermediaries named by the family groups affected to settle the affair peacefully. This payment is considerable when the blood spilling ends in the
682 victim's death. Should the murderer refuse to pay the sum ar-
628 ranged for (whether in livestock, necklaces, precious stones, etc.), then the members of the victim's family group take vengeance on him personally and kill him. All this naturally ends in war to the death, or putchi, between the two extended family groups, an occurrence which is extremely frequent in La
682 Guajira. Hence as "compensation payment for blood" cannot
762 be claimed, from these objects (the tree and the rope), they are
672 punished in default by destruction by fire. This hypothesis is reinforced, if we remember that to the Guajiro Indian, as well as
[774] to most primitives, objects — which to us are not alive — are
[778] able to exercise both good and bad influences on the individual (Cf. "Sickness and Medicine" and "Amulets, Fetishes, Talismans"), because they possess a spirit — a kind of mana, or immaterial force, which surrounds and animates everything.

Another suggestion that could be made with respect to the
762 destruction of the objects used by a suicide is the following: As
783 these articles were in direct contact with the dead man, and particularly with a corpse as dangerous as a suicide is, it is necessary that they be destroyed so that the contamination

4: Petrullo E-5 (1935) 1937
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671 tween law and custom in Guajiro society by a variety of illustrations. One of them said in effect:

574 626 671 If a cacique visits me and I fail to kill a sheep in honor of his visit and to feast him in accordance with the dignity of his rank and my wealth, I have broken a custom of my people. However, though I offend him by such negligence my guest may take no action to redress the wrong other than to inflict the same discourtesy on me if the opportunity should arise. He may seek neither redress in violence nor composition in payment. My only punishment may be the acquisition of a bad name among my people.

586 671 684 But if I visit one of my wives at her rancho and she fails to kill a sheep from her own flocks to feast me, refuses me her person, neglects to supply me with hammocks, saddle-bags, and other articles made by women, or refuses me shelter, she will have broken a 'law'; that is, she will have broken the marriage contract. In this case I may demand from her and her family payment or a divorce. In the latter case her family would have to return to me the bride-price plus any increase in the herds but less an amount considered fair for my having exercised sexual privileges over her, though I may demand even this if she marries again. In case her family refuses to adjust [626] the matter in accordance with our law I may appeal to my family for help in obtaining my just rights. I should be justified in having recourse to violence. However, the law is so well understood that it would not be necessary to resort to such drastic measures generally.[5]

671 [115] [177] These informants were acquainted to some extent with Colombian and Venezuelan laws and were attempting, no doubt, to classify their own customs in accordance with European practices. Nevertheless it is an indication that in their minds there does exist a class of offenses for which one may seek composition even through violence, and a class that is in the category of merely moral obligations though investigators may not always draw an equally fine distinction. [114] Simons, for example, in discussing Guajiro law speaks of injury to oneself as giving rise to a legal obligation for composition. 574 626 672 602 My informants, on the contrary, distinguished it from that class of wrongful acts. If a man cuts himself, his father and father's relatives receive an expiatory offering. Had one of my informants, the son of a rich cacique, cut himself he would have given a small barrel of rum and five or more sheep to his

4: Petrullo E-5 (1935) 1937
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father's relatives who would eat the meat and drink the rum immediately, a feast to which the mother's relatives might be invited as a gesture of courtesy. The offering of rum and meat is voluntary, and even a friend may ask for something as an indication of deep personal interest in the welfare of the injured person. If the injured man makes no offering, no action is taken by anyone to make him do so, but he will acquire a 'bad name.' A Guajiro has a moral obligation to avoid shedding his own blood, but not a legal obligation. Since the father takes care of his son during his lifetime, this obligation is directed towards him and his relatives, but is extended to include any good friend.

Another example of the same distinction is the case where a son asks his father for a particular horse or object possessed by the latter, as a gift. The father is morally bound to grant the request, but there is no legal compulsion to do so. I gave a cacique a fine hunting knife which pleased him greatly. To my surprise his son was proudly wearing it the following day. On inquiring about it the cacique told me that his eldest son had asked for it. Had he refused to give it he would have been considered a bad father. The son inherits nothing from his father on the death of the latter, but while he is alive the son may beg anything within certain limits set by precedent. This moral obligation to give up a prized possession when asked for by one's sons is extended to include close friends.

Allowing the Guajiro to make their own distinctions, let us turn to a consideration of their 'laws.' The commission of certain acts, which in our society would give rise to criminal prosecution, in Guajiro society are considered matters to be settled by the parties concerned. Criminal law is practically non-existent. There is no body politic, properly speaking, that metes out punishment whether or not the injured party seeks redress, and social pressure can hardly be of any importance in a society that protects the individual through the instrument of family and casta membership. In only one case does there seem to be an approach to concerted social action. If an individual has caused his family much trouble and is incorrigible, if his family has been called upon to pay for his mis-

4: Petrullo E-5 (1935) 1937
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628 deeds frequently, and fears that he may bring severe disaster
672 on his relatives, he may be killed. It is interesting to know
681 that the individual may not necessarily be evil-intentioned.

672 We are accustomed to think that for an act of trespass on the person or property the injured party can recover only if the act is considered to have been intentional or negligent.[6] Among the Guajiro there is no such qualification of a tort in order to allow legal action and to recognize legal liability. The act and the injury ensuing from it are the only considerations which have any importance.

628 *Case I:* Three boys, A, B, and C, close friends, were seated
672 on a log in the order named. B held a knife in his hand. In
683 the spirit of play A and C attempted to take it away from him. In the good-natured scuffle that ensued A was slashed across the thigh accidentally.

The families of A, the injured party, and of B were on friendly terms. B's family immediately offered payment for the hurt done to A. Each family chose an arbiter, men known for their knowledge of law and their fairness, who granted A's family payment commensurate with the social position of A and the ability of B's family to pay: 60 sheep, 1 bull, 1 ass, a gold necklace, a horse.

628 *Case II:* Cacique A killed Cacique B through the accidental
672 discharge of a firearm. Their families belonged to the same
682 casta, and both being anxious to avoid armed conflict B's family agreed to accept a property composition for the tort: 100 cows, 100 horses, 7 mules, 1,000 sheep.

Case III: Cacique A killed Cacique B in a quarrel. Both families being desirous of keeping the peace and both being members of the same casta, property composition was arranged.

This case would obviously fall within the class of crimes in our society and A would have been punished irrespective of the attitude of B's family. As a matter of fact, had B's family
554 been less important or had it belonged to the peon or slave
628 class, A's family may not have paid anything. On the other
672 hand had A been a peon or slave, his family would have suf-
682 fered extermination at the hands of B's relatives. A's family

4: Petrullo E-5 (1935) 1937
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could not have paid the price in the first place, and besides B's family would have little to fear from them.

The father and maternal uncle of the slain man take the initiative in seeking payment which goes to the mother's family.

If A and B had been workmen or retainers of C, a cacique, and A's family could not have paid the price of composition, then C would have paid B's family and in compensation would have enslaved A and his family. Payment for killing a peon is 10 asses, 50 to 100 sheep, and 10 steers.

Case IV: A was working for B. In the course of the work through no fault of B, A was hurt. B paid A's family for the injury. A's family took care of A.

Case V: A and B were working for C. Through accident B hurt A. B's family had to settle the injury with A's family. Had A been hurt in the course of the work without B acting as the instrument, then C, the employer, would have had to pay.

This case is similar to the one described by Simons. If A lends a horse to B and B is hurt through the instrumentality of the horse, A has to pay. If A gives rum to B and B injures C, A is held responsible.

Case VI: A wants to marry B. B or B's family reject his suit. A goes to B's rancho at night and commits suicide there B's family has to pay A's family for the death of A, B being considered as the direct instrument that caused A's death.

Case VII: A injures or kills B, caught *in flagrante delicto* with A's wife. A has to pay B's family a price minus an amount considered fair value for the sexual privilege that B exercised on A's wife.

These illustrations point to the absolute nature of Guajiro law. No extenuating circumstances are allowed to enter into settlement of cases of battery or other trespass on the rights of an individual. The case is different in so far as public sympathy and moral censure or approbation are concerned. Furthermore, society as a whole takes no action in righting wrongs. The family of the injured person must seek composition, and if it is not powerful enough to demand a high price it has to be satisfied with a smaller one. Conversely, there is

4: Petrullo E-5 (1935) 1937
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672 628 family responsibility for the acts of one of its members. If there is no property composition for a tort committed and the injured family has recourse to arms, the revenge that it may take is limited by precedent. If the family is very powerful [626] it may dispense with that, but public moral reprobation is a strong barrier to excesses.

NOTES

121 1. J. Austin and T. E. Holland restrict the term Law to those rules which a fully organized state recognizes and enforces. I.e., T. E. Holland: 'A law, in the proper sense of the term, is a general rule of human action, taking cognizance only of external acts, enforced by a determinate authority, which authority is human, and among human authorities, is that which is paramount in a political society.' (See Bibliography.)

2. Rivet, Durkheim, Hartland, and Hobhouse express this position.

3. Radcliffe-Brown, 202.

4. See Malinowski in Hogbin.

114 5. From my field notes gathered in 1935. The Columbia University—University Museum Goajiro Expedition spent three months in the peninsula making an ethnological and archæological survey. The other members of the expedition were: Dr. Paul Kirchhoff; Mr. Lewis Korn and Mrs. Gwyneth Browne Harrington, archæologists; Miss Lydia C. du Pont, photographer; Señor Gregorio Hernandez de Alba, a Colombian student.

6. See Bohlen.

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5: Simons K-5 (ca. 1882) 1885
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the site of the old Spanish settlement San Juan de Ipapa. On the west side of the Parashi Hills in the plains is another well-known central trading station Joruy; chief, Majutá, an Ipuana; probably near the old site of the Spanish settlement Moscota. In the neighbourhood are: Guarirpanturi; chief, Conoón, an Ipuana. A Dutchman from Aruba has lived here many years, and has become quite an Indian. Alpiapá, a few ranchos on an eminence commanding the whole valley. The Indians here are rather mixed, but the chief is a Pushaina. The well Kapaulers, at the base of the hill, is the finest I saw, and surrounded with rich green vegetation similar to that of Macuira. Katunasiá, the most inland station. It is generally the traders that make a rancho known, for the Indians do everything they can to keep their abodes, if not secret, at any rate as much in the dark as possible. The plains being more unsettled than the mountain district, traders do not venture to establish themselves in the interior, as at Mercunay or Joruy, so few ranchos are known. The most important place in the Lower Goajira is Guinoua, midway between Riohacha and the Venezuelan town of Las Guardias or Santa Teresa. Paraguaipoa, the new Venezuelan military colony, founded in 1882, counts already 50 houses. It is situated in the plains 12 miles in advance of Santa Teresa, which it completely covers. The garrison at present consists of 30 men, well mounted and found in every respect, under the orders of a commander, two secretaries, and two interpreters; the latter for the purpose of taking statistics as to trade, &c. Altogether it is a model establishment, and does honour to the Government of Venezuela. The entire population of the Goajira may be about 20,000; it does not exceed 25,000, and is not increasing.

As regards manners and customs and the way they enforce their old peculiar laws, these Goajiros are particularly interesting. Of course, like all Indians, they are singularly proficient in begging, stealing, and drinking, but besides these capital vices they add a fourth, that is demanding compensation, tear- or blood-money—principal cause of all the strife and blood feuds between the castes, and an everlasting danger to Indians and strangers alike. Whereas about one-quarter of the male population die a violent death from its result, another quarter are killed by drink and its effects. The laws that govern these compensation casts are very intricate, their number is legion. First is the terrible law of retribution, that makes a whole caste responsible for the acts of any single member. As the Spaniards or white men are considered by the Indians as belonging to one large family, the country is very unsafe for travelling, for every white man is a sort of hostage for the good behaviour of the others. If an Indian should be killed in a quarrel by a white man, the life of another white man, living leagues away, depends upon whether the foe (relations of the dead Indian) or a friend brings the news first. Many an innocent unconscious trader has been sacrificed at one end of the peninsula for a foul murder committed at the other end.

5: Simons K-5 (ca. 1882) 1885
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611 614 628 [604] In the following laws it must be borne in mind that it is not the injured individual that demands compensation, but his relations, uncles on the mother's side as a rule. From this has arisen the common error that the father is ignored; as will be seen further on, this is not the case. In compensation it is the caste that reclaims, and the caste is always the mother's side. For example, a Pushaina man marries an Uriana girl; the children are Urianas. If one of these now should kill an Epieyu, for example, the whole caste of Uriana is at war with all the Epieyues, unless the matter is amicably settled by paying blood-money.

672 683 [572] Case No. 1. Personally inflicted wounds. If an Indian accidentally cuts himself, say with his own knife, breaks a limb, or otherwise does himself an injury, his family on the mother's side immediately demands blood-money. Being of their blood, he is not allowed to spill it without paying for it. The father's relations demand tear-money, not so much. Friends present demand compensation to repay their sorrow at seeing a friend in pain. If anybody present can seize the instrument that caused the accident it is appropriated. The pay is in ratio to the injury. A slightly cut finger is settled with a little Indian corn, a kid, or such trifle. A bad cut requires at least a goat or a sheep, with other sundries. In all cases of compensation where the Indian has not the wherewith to satisfy his creditors, he goes round begging until it is obtained.

628 672 683 Case No. 2. Damage done by animals. Suppose an Indian borrows a mule or other animal, and is thrown by it, doing himself bodily injury, then his relations demand compensation from the lender, the argument being, had he not lent the animal the accident could not have happened. Should the beast belong to the thrown man himself, then he has to pay. Case of No. 1 in fact.

[466] Case No. 3. General liability all round. This covers an enormous field. The most curious. Everybody selling rum or anything else is answerable for all the damage done by its instrumentality. Unfortunately this law is only, like many others, enforced when it is possible. As the traders know it very well, they never take rum into the interior for barter without being fully able to protect themselves. I was lent a servant as guide by a trader, who requested me not to let the man have any drink, for should anything happen to him he would be responsible to the family. Indians in employment receiving any damage the employer becomes liable; and so on. Wherever the Indian can only make the ghost of a claim he wants tear-money, blood-money, or some other money, and if not satisfied, helps himself with what he can lay his hands on.

551 628 689 Case No. 4. Mentioning names. This is very serious. The Indians object to have their true names mentioned, and demand heavy compensation in aggravated cases. They generally go by a Spanish name—José Antonio, Agustin, Vicente, &c., for an Indian dearly loves to be baptised, that is, he likes the attending feast and having god-fathers on

5: Simons K-5 (ca. 1882) 1885
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whom to exercise his begging propensities. To mention the dead before the relations is a dreadful offence, often punished by death; for if it happens in the dead person's rancho, with nephew or uncle present, they will assuredly kill the offender on the spot if possible. If not on the spur of the moment, it resolves itself into a heavy fine, usually two or more oxen. Even if none of the dead person's relations are present, any friend can carry the news to the relations, and compensation is at once required. When not given it is forcibly taken, probably resented, and the two castes are at war. It is not wise to mention names of any sort in the Goajira in mixed company. [551] [628] [689]

Another peculiar case: if a child dies in the custody of the mother or father, and they are living separate at the time of its death, then tear-money has to be paid by the one, under whose care the child died, to the other. This is "Taguira suchirua tachón," "My tears on account of my child." To demand payment for debts, *achecaha*, is one thing, and to demand compensation, *manga*, is another. They are generally pretty punctual in paying debts; should the debtor die, the creditor is secure, for the relations will suffer anything rather than allow the name of their dead to be abused. The following case of murder I witnessed in Ataipa. Some Pushaiuas drinking, one got on to a strange horse, and was ordered off by the owner, on not complying he was shot dead. Both parties being poor and near relations, it was arranged as follows: First payment, eight sheep, two oxen, one horse, two necklaces of cornelian beads, two sirapes of black beads (about 16 lbs.). Six months afterwards, second payment, similar to first. A few months after a third payment is asked, but is more an extra than anything else. After second payment all animosity ceases, and the two families can look again at each other on meeting. Should an Indian in attempting to kill another be wounded or killed, his family demand the same as though no attempt were made. [672] [682] [426] [624] [628]

Among domestic customs, the one that calls most attention is shutting up their young girls on arriving at womanhood. The custom is religiously carried out throughout the country. Each girl is enclosed in a separate little hut by herself. She is stripped of all her ornaments, even to her beads and sirapo, and all her clothing with the exception of the long loose cotton gown, nor is she allowed to cut her hair. For the first couple of days, drinking water is denied her, the only food being *hayuape*, a composition of medicinal herbs. According to birth, a rigorous diet is observed the first month, no meat being allowed. She can be freely mentioned and is merely alluded to by her relations as "surtiee sura paura," "she is shut up in her house." The term of retirement varies according to the wealth and rank of her family. Poor people cannot afford to keep girls idle more than a couple of weeks or a month; whereas the rich enclose them for one, two, or even four years. It is while in this state that she learns all women's requirements— [881] [278] [262] [556] [168]

7:Bolinder T-5 (1920, 1955) 1957
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usually lasted. Here, of course, the girl's family had power and the means to check that all was well. In such marriages the husband was considered liable to provide the household equipment, as well as paying a bride-price.

If a Creole marries a Guajiro girl according to the Catholic rites there are all sorts of complications, even if he has paid the bride-price, for the European concept of the father's rights conflicts with the Indian matriarchal law. Problems of relationship and inheritance, the separation of the child from its clan and many other things all provide problems which cause the bride's family a lot of trouble. But that is enough about Indian marriage.

Since all members of a clan are of the same blood, the Indians consider themselves justified in wreaking vengeance on a near relative, if they are unable to lay hands on the actual culprit. This can give rise to a whole chain of acts of vengeance, a real vendetta. In the old days all white people were held to be of one clan, and so the Indians thought that they could avenge an injury inflicted by a white person on the first member of his clan they came across. 'To travel in Guajira is like sitting on a keg of gunpower beside a fire; you are afraid the whole time that a spark will cause a catastrophe', was what used to be said.

Guajiro law always tries to find a scapegoat, and one must remember that when having any dealings with the Indians. If I take a man into my service or merely send him on an errand, I am responsible if anything happens to him and for anything he himself may do to others all the time his mission lasts.

A mother sent her little girl on a donkey to fetch water. The girl took a playmate up on the saddle beside her. The other little girl fell off and hurt herself quite slightly, yet the family had to pay considerable damages.

A mestizo family, receiving unexpected visitors, took an Indian girl to help in the kitchen. The girl cut her finger and her family demanded compensation. After all blood had been shed. The girl was of humble family and thus no large sum could be claimed, yet according to our ideas what had to be paid was a very great deal for a mere cut:

7:Bolinder T-5 (1920, 1955) 1957
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4 goats, 5 pigs, 15 hens, 25 skeins of yarn, 5 bars of soap (an expensive commodity) and some mirrors and handkerchiefs. Employees are very well insured, it would seem. If an employee destroys anything belonging to a third party, the employer has to pay twice its value or more. One's responsibility is not confined to what persons in one's service may do, but extends to animals and inanimate objects if one lends them. If I let an Indian ride my horse and the horse throws him off, I have to pay; and if someone cuts himself on a knife belonging to me, I have to pay—for it was my knife that did it.

It can even be risky to give advice in Guajira: for if you suggest a course of action and things go wrong, you may have to pay compensation. That is why the Indians will seldom tell you the way when you ask it.

A host is responsible to his guests, even if they are self-invited. Hospitality is sacred and one cannot refuse to receive someone seeking shelter. If the guest is ill, the host looks after him as best he can, but immediately sends for one of his relations. As soon as a relative arrives the host's responsibilities cease, but if the guest should die before the relative gets there, the host is liable for damages, hard as it may seem. On the other hand, if a person suffering from an infectious disease goes to someone else's house, it is the guest who is responsible and must pay his host damages.

If two guests start fighting the host is considered jointly responsible, for if he had not invited them there would never have been a fight. If the others present do not try to avert the quarrel, they must pay up too.

Insults and calumny are contrary to the law, and it is especially serious if one reviles another's mother's family. Among themselves the Indians consider it disparaging to be addressed in Spanish, instead of in their mother tongue.

Every Indian has a personal name used only by his nearest and dearest. For an outsider to pronounce this calls for a heavy penalty, as it does to speak the name of someone dead. As soon as it is learned that someone has died, all those with the same name at once change it for another. The

622 Chiefs are polygynous and have many daughters, for
595 whom very high bride prices are paid—sometimes thousands of animals,
583 worth $6,000 to $10,000. Such rich chiefs take great pride in their
556 daughters, dressing them in fine silken robes and necklaces of gold and pearls and providing them with personal servants.

567 There is a class of slaves who are beneath the chiefs' retainers in the social hierarchy. It consists of people born into this status and of captives.

PROPERTY

622 All cattle, though individually owned, belong in theory to the local group as a whole and are worked for the common benefit of all. For example, the cattle paid as a bride price when a girl marries within her own sib go to a new owner, but the milk, butter, cheese, and hides from them continue to be shared by everyone in the sib. When a woman receives cattle as a bride price for her daughter any new stock born to them belongs to the daughter's husband and his sons, and when the animals are rounded up for the annual branding each son is allowed to brand a certain number of them.

ETIQUETTE

576 The *Goajiro* are in general unfriendly to strangers but have a well-
579 established code of hospitality. Strangers calling at a house must wait until invited in. Inside a house a bowl of chicha or rum (coffee when available) is the first gift offered the visitor, who is thereafter given a hammock and treated as a member of the family. A special feast may
565 be arranged if there are many guests. A guest of high rank is feasted, and some of the young girls of the house may be placed at his disposal.

LAW AND ORDER

627 The chiefs have little power outside their own local group, where they settle minor disputes. The solution of many disputes and transgressions of custom are left to the parties concerned. The laws of group respon-
628 sibility and group retaliation lead to frequent intertribal feuds. A person
619 without a strong sib to protect him is helpless, for others may use any act which may conceivably be interpreted as harmful as pretext for demanding indemnity. For example, a person injured while intoxicated may demand payment from the person who sold him the rum, or a person injured by a borrowed animal may demand payment from the owner of the animal; a thief who hurts himself when trespassing on the property of his intended victim will demand compensation of him; and anyone aiding a sick or wounded person who subsequently dies incurs a liability.

672 If a person injures himself he must make an expiatory gift to the members of his own sib and a lesser gift to his father's relatives. If a child dies when under the care of one parent, this parent must reimburse

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the other. Many other cases indicate the absolute nature of *Goajiro* law 672 ●
and the refusal to recognize extenuating circumstances.

Murder is a very serious crime, and the victim's family immediately 682
demands blood money to the amount of 200 or more cattle. For failure 628
to pay, a member of the murderer's sib of the same rank as the victim
must forfeit his life. If payment is not forthcoming retaliatory raids are
made. As the defenders generally lose more people than the attackers,
the feud may continue indefinitely until all the members of one sib will
consider themselves at war with the members of the other, thereby spread-
ing the war throughout the peninsula. If a feud should develop between
the sib of the husband and that of the wife, the latter, with her children,
will return to her own group until the trouble is over.

A person who has received a deadly insult from another is baited and 683
chided until he takes revenge by killing the offender, in proof of which
he removes the victim's viscera and takes them home. This act also
prevents the victim's soul from bothering him. If unable to accomplish
this he may commit suicide. Suicide is also sometimes a means of venge- 762
ance, a person feeling that he will suffer less than those who caused him
to commit the act. Thus a wife who is not allowed enough freedom may
hang herself.

Next to murder, one of the most serious offenses is to mention a per- 689
son's true name (given at birth?) or to mention a person's name after
his death. This has caused many tribal conflicts.

The value of the compensation demanded in disputes varies directly 681
with the social rank of the offended party. In some cases a repeated 565
offender may be killed by his own sib members. Sometimes, rather than 728
to continue the warfare, hostile sibs may confer under the auspices of an
outsider, such as a Capuchin monk, and draw up peace terms. In per-
sonal quarrels or minor brawls women often step in and enforce peace.

WARFARE

Wars between the *Goajiro* and outsiders are rare, but any White man 721
may be held liable for the offense done by another, as all Whites are thought 609
to belong to the same sib. Sometimes the few civilized people living in
the peninsula take vengeance on the Indians, which leads to further re-
prisals by the latter.

At the time of De la Rosa, war was declared by sending to the other 721
tribe an ambassador who, in a public speech, asked indemnities for damage
previously done. If these were not conceded war was declared, but a
brief truce was observed in order that preparations might be made. In
battle each group of opposing warriors formed a semicircle and tried to
surround and destroy the other. In individual encounters a *Goajiro* rode 726
out on a horse, but, upon seeing the enemy, he dismounted and shot his
own horse with an arrow to show his confidence and willingness to fight